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March 13, 1999

VIA OVERNIGHT DELIVERY

Hon. David P. Boergers, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

RE: Avista Corporation, et al., No. RT01-35-000

Dear Mr. Secretary:

On behalf of the Northwest Requirements Utilities, enclosed for filing in the above captioned proceedings pursuant to 18 C.F.R. §§ 385.211 and 385.214, please find an original and 15 copies of the *Motion to Intervene of the Northwest Requirements Utilities* and the original and 15 copies of the *Protest and Comment of Idaho Consumer-Owned Utilities Association et al.*.

Please date and time stamp the enclosed extra copy of the Motion and the Protest and Comments and return them to me in the enclosed, self-addressed stamped envelope.

Thank you for your assistance in this matter. Do not hesitate to call me if I may be of any assistance.

Sincerely,



Shelly Richardson
Attorney for Northwest Requirements Utilities

Enclosures

cc: RT01-35-000 Service List

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Avista Corporation,)	Docket No. RT01-35-000
Bonneville Power Administration,)	
Idaho Power Company,)	
Montana Power Company,)	
Nevada Power Company,)	
PacifiCorp,)	
Portland General Electric Company,)	
Puget Sound Energy, Inc., and)	
Sierra Pacific Power Company)	

**MOTION TO INTERVENE
OF NORTHWEST REQUIREMENTS UTILITIES**

Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.214 (2000), and the Notice of Filing in Docket RT01-35 (October 24, 2000), Northwest Requirements Utilities ("NRU") respectfully moves the Commission for leave to intervene in this proceeding as a full party with all rights and privileges to appear and participate. The accompanying *Protest and Comment of Idaho Consumer-Owned Utilities Association, Idaho Energy Authority, Northwest Requirements Utilities, Pacific Northwest Generating Cooperative, Power Resources Managers , LLP, Public Utility District No. 1 of Snohomish County, Washington, Utah Associated Municipal Systems, and Western Public Agencies Group ("Protest and Comment")* sets forth NRU's position and is incorporated by reference herein.

On or about October 16, 2000, Avista Corporation, Bonneville Power Administration, Idaho Power Company, Montana Power Company, Nevada Power Company, PacifiCorp, Portland General Electric Company, Puget Sound

Energy, Inc., and Sierra Pacific Power Company ("Filing Utilities") filed with the Federal Energy Regulatory Commission (the "Commission") an Alternative Filing Pursuant to Order No. 2000. On or about October 23, 2000, the Filing Utilities filed a Supplemental Compliance Filing and Request for Declaratory Order Pursuant to Order 2000 with the Commission (the "RTO West Filing").

Commission Docket No. RT01-35 was assigned to these filings.

In support of its Motion, Northwest Requirements Utilities states as follows:

I.

The names and addresses of persons to whom communications in this proceeding should be addressed are:

John D. Saven
Executive Director
Northwest Requirements Utilities
825 N.E. Multnomah Street, Suite 1135
Portland, Oregon 97232

and

Shelly Richardson
Attorney at Law
P.O. Box 61845
Vancouver, Washington 98666-1845

II.

Northwest Requirements Utilities (NRU) is headquartered in Portland, Oregon and represents the interests of forty-one consumer-owned electric utilities on transmission and wholesale power supply, rate and planning matters. All NRU utilities purchase transmission service from one or more of the Filing

Utilities. NRU utilities are considered "transmission dependent" utilities. All NRU members purchase their firm requirements wholesale power supply from the Bonneville Power Administration; most purchase one hundred percent of their requirements power supply from Bonneville.

The requirements power supply of most NRU utilities is transmitted entirely over the Bonneville Power Administration's federal transmission system. However, the requirements power supply of some NRU utilities is transmitted over Bonneville's transmission system, and then over transmission facilities owned by one of the remaining Filing Utilities. Each one of the investor-owned Filing Utilities owns transmission facilities that intervene between the Bonneville transmission system and the point(s) of receipt for such NRU utilities. Bonneville contracts individually with these Filing Utilities to purchase transmission service necessary to transfer the wholesale power purchases of distribution utilities such as NRU members. These transmission contracts between Bonneville and an individual Filing Utility are known as "general transfer agreements."

III.

NRU participated with the Filing Utilities in a regional collaborative process that developed some of the positions memorialized in the RTO West Filing. NRU is a participant in the RTO West forum because its members' interests are directly impacted by RTO West through the firm transmission service agreements and other transmission arrangements NRU members hold with one or more Filing Utilities, and by the future transmission arrangements anticipated by NRU members. NRU's policy, legal and technical participation in RTO West is on

behalf of transmission dependent utility customers of Bonneville (including those served over general transfer agreements) that purchase their firm power requirements from Bonneville, and that purchase firm transmission from one or more Filing Utilities.

The aforementioned regional collaborative process addressed the characteristics and functions of a regional transmission organization ("RTO") for the Pacific Northwest and certain adjoining areas.¹ The collaborative process produced a series of recommendations on such topics. Consensus with the Filing Utilities was attempted on all such topics through the collaborative process. However, the region failed to reach consensus on all topics; nor was there consensus regarding the content of an appropriate RTO filing from the Pacific Northwest. Indeed, in several instances, the consensus that was achieved through the regional collaborative process was altered in the RTO West Filing.

IV.

The Filing Utilities request an expedited declaratory order pursuant to 18 C.F.R. § 35.34(c)(3) that "[t]he proposed governance structure of RTO West as set forth in its Articles of Incorporation and Bylaws satisfies the independence characteristic of a regional transmission organization as set forth in 18 C.F.R. § 35.34(j)(1) and that the proposed Articles of Incorporation and Bylaws of RTO West otherwise meet the Commission's regional transmission organization

¹ The characteristics and functions referenced are those set forth in *Regional Transmission Organizations*, Order No. 2000, 65 Fed. Reg. 809 (Jan. 6, 2000), F.E.R.C. Stats. and Regs. ¶¶31,089 (2000), *order on reh'g*, Order No. 2000-A, 65 Fed. Reg. 12,088 (Mar. 8, 2000), F.E.R.C. Stats. and Regs. ¶ 31.092 (2000), *review pending sub nom*, *Pub. Util. Dist. No. 1 of Snohomish County, WA v. F.E.R.C.*, nos. 00-1174 et al. (D.C. Cir.).

policy.” RTO West Filing at 93. NRU’s position on this issue is set forth in detail in its *Protest and Comment*; in summary, the proposed governance structure of RTO West fails to meet the Commission’s regional transmission organization policy or its independence criteria. For this reason and others set forth in the *Protest and Comment* incorporated herein, NRU opposes the Filing Utilities’ request for declaratory order just described.

The Filing Utilities request an expedited declaratory order pursuant to 18 C.F.R. § 35.34(c)(3) that “[t]he proposed scope and configuration of RTO West as set forth in this application would satisfy the scope and regional configuration characteristic of a regional transmission organization as set forth in 18 C.F.R. § 35.34(j)(2).” RTO West Filing at 93. As described in the accompanying *Protest and Comment*, the proposed geographic scope of RTO West is appropriate and should be approved. For the reasons detailed in the *Protest and Comment*, the Commission should withhold judgment on whether RTO West as proposed fully satisfies all aspects of Order No. 2000’s required scope characteristic.

Three of the Filing Utilities – Bonneville Power Administration, Idaho Power Company and PacifiCorp – request a Commission declaration that:

[t]he concepts as a package embodied in the Transmission Operating Agreement and the Agreement to Suspend Provisions of Pre-Existing Transmission Agreements (along with any amendments as may be submitted and in accordance with the agreed procedures described above) are appropriate as part of arrangements otherwise acceptable to the Commission for creating RTO West and are consistent with the requirements of Order 2000. RTO West Filing at 95.

The Consumer-Owned Utilities’ accompanying *Protest and Comment* demonstrates that the Transmission Operating Agreement and the Agreement to

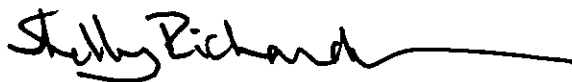
Suspend Provisions of Pre-Existing Transmission Agreements are substantially incomplete, and thus are not ripe for the Commission's declaratory order at this time. As such, the requested declaration should be denied at this time and the subject materials treated as if filed with the Commission for informational purposes only. In the alternative, if the Commission acts upon this declaratory request, it should be denied for the reasons articulated in the *Protest and Comment*.

V.

NRU represents electric utilities whose interests will be directly affected by the outcome of this proceeding, namely transmission customers of the Filing Utilities that anticipate taking future transmission service from the Filing Utilities or from a regional transmission organization in the Pacific Northwest. No other party to this proceeding represents the interests of NRU with respect to the proposed RTO West regional transmission organization.

For the aforementioned reasons, NRU respectfully moves the Commission for leave to intervene in these proceedings as a full party with all rights and privileges to appear and participate; and to file the accompanying *Protest and Comment*.

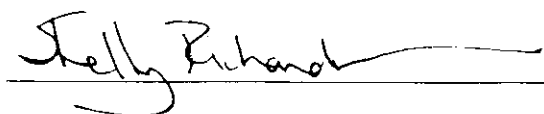
Respectfully submitted,

A handwritten signature in black ink, reading "Shelly Richardson", followed by a horizontal line.

Shelly Richardson
Attorney for Northwest Requirements Utilities

I hereby certify that I have this day served the foregoing *Motion to Intervene of Northwest Requirements Utilities* upon each person designated on the official list compiled by the Secretary in this proceeding.

Dated this 17th day of November, 2000.

A handwritten signature in cursive script, reading "Shelly Richardson", is written over a horizontal line.

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Of Attorneys for Northwest Requirements Utilities